

DISCUSSION OF THE AMENDMENT

Due to the length of the specification herein, Applicants will cite to the paragraph number of the published patent application (PG Pub) of the present application, i.e., US 2007/0139860, when discussing the application description, both in this section and in the Remarks section, *infra*, rather than to page and line of the specification as filed.

Claim 25 has been amended to clarify that it is limited to the carrier comprising polymeric fibers. Claim 28 has been amended to clarify that the metal oxide particles having an average particle size greater ... are the particles of Claim 26 and that the metal oxide particles having a particle size smaller ... is the inorganic adhesive of Claim 26. Claim 29 has been amended to recite the meaning of D_g, as supported in the specification at paragraph [0037]. Claims 31 and 32 have been amended by deleting the term “positive”, as supported in the specification at paragraph [0038]. Claim 35 has been amended to be consistent with the singular terminology of Claim 22. Claim 37 has been amended by deleting the word “the”, since the term “oxides” does not appear in Claim 22. Claim 39 has been amended by changing “or” to --and--. Finally, Claim 42 has been amended into a method claim.

No new matter is believed to have been added by the above amendment. Claims 22-42 remain pending in the application.

REMARKS

The rejections under 35 U.S.C. § 103(a) of:

Claims 22-27, 29-30 and 34-42 as obvious over WO 03/073534, by its PG Pub. equivalent US 2005/0084761 (Hennige et al '534) in view of US 6,094,338 (Hirahara et al), and

Claims 22-24, 26-27, 29-30, 34-35 and 38-42 as unpatentable over WO 03/021697, by its PG Pub. equivalent US 2005/0031942 (Hennige et al '697) in view of Hirahara et al, are respectfully traversed.¹

As recited in Claim 22, an embodiment of the present invention is a capacitor comprising a separating layer, wherein the separating layer is present on a carrier and is adhered thereto and is a porous inorganic nonelectroconductive coating which comprises particles of compounds of the elements Al, Si and/or Zr that are adhered to each other and to the carrier by an inorganic adhesive.

Applicants describe in the specification herein [0017] that DE 10208277 (which is the German equivalent of Hennige et al '534) discloses the use of a sheet-like, flexible substrate which has a multiplicity of openings and supports a coating present on and in this substrate, the material being a polymeric nonwoven, and the coating being a porous electroinsulating ceramic coating, as a battery separator, and that Hennige et al '534 is an improvement over the battery separator material described in DE 10142622 (which is the German equivalent of Hennige et al '697), which employed a substrate selected from woven and non-woven nonelectroconductive fibers of glass or ceramic or a combination thereof.

Neither Hennige et al '534 nor Hennige et al '697 discloses or suggests their respective battery separators as separators for capacitors. The Examiner thus relies on

¹ Reference to Hennige et al '534 and Hennige et al '761 in the text is to the corresponding paragraph number in the PG Pub, respectively.

Hirahara et al for a disclosure that a capacitor requires a separator disposed between two electrodes, and thus holds that it would have been obvious to form the separator of Hennige et al '534 or Hennige et al '697 in a capacitor "since such a modification would form a capacitor having an improved separator."

In reply, the Examiner did not need to cite Hirahara et al for the universally well known fact that a capacitor requires an electrically non-conductive separator. But it is only with the present disclosure as a guide that one skilled in the art would employ the battery separator of either Hennige et al '534 or Hennige et al '797. Indeed, the Examiner has produced no evidence that separator materials for diverse electrical devices are considered to be interchangeable by those of ordinary skill in the relevant arts.

Claims 26-33 are separately patentable since, even if it were obvious to use the battery separator of either Hennige et al '534 or Hennige et al '697 as a separator in a capacitor, there is neither disclosure nor suggestion therein that the carrier, i.e., the polymeric substrate of Hennige et al '534 or the glass or ceramic fiber substrate of Hennige et al '697 could also act as an electrode. Indeed, Hennige et al '534 discloses that their separator is customarily placed between the anode and the cathode [0060]. Similarly, Hennige et al '697 discloses the same [0061].

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

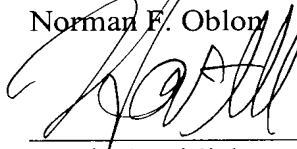
The objection to Claims 29-32 is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the objection be withdrawn.

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Applicants gratefully acknowledge the Examiner's indication of allowability of Claims 28 and 31-33. Nevertheless, Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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